## THE HON'BLE SRI JUSTICE N.V. RAMANA

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**Writ Petition No.27139 of 2005**

**Dated: 06.06.2006**

Between:

V.D. Prasad, E-368005, Cleaner, S/o late RajashekaraRao, 35 years, Avanigadda Depot, R/o Redigadapa, Penamaluru (M), Krishna District.

**.... PETITIONER**

AND

The A.P. State Road Transport Corporation, rep. by its Managing

Director, Musheerabad, Hyderabad and others.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

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**Writ Petition No.27139 of 2005**

**Order**:

The petitioner joined as a Cleaner in the respondent-Corporation on 15.12.1989 in Krishna Region. While he was working at Gudivada Depot of Machilipaatnam Division, at his request, the petitioner was transferred to Vijayawada City Division on 28.08.1995. Assailing the action of the respondent-Corporation in not counting his seniority from the date of his joining into service i.e., 15.12.1989, the petitioner filed the present writ petition.

When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioner and admitted to by the learned Standing Counsel for the respondent-Corporation that the subject matter of this writ petition is squarely covered by a judgment of the Division Bench of this Court in **Managing Director, APSRTC v. M.**

**Venkat Rao**, and they both agreed for disposal of the writ petition by and in terms of the said judgment.

The Division Bench of this Court in **Managing Director, APSRTC v. M. Venkat Rao**, held that eligibility for promotion cannot be confused with seniority, for they are two different and distinct factors. The Division Bench further held that even though seniority of an employee is reckoned as a junior-most employee at his transferred place on transfer made at his request, yet his service at the earlier place cannot be excluded from consideration for determining his eligibility for promotion.

The facts of the present case are similar to the one, which the Division Bench of this Court in **Managing Director, APSRTC v. M. Venkat Rao,** was faced with, and having regard to the agreed stand taken by both the counsel that the subject-matter of this writ petition is squarely covered by the above-said judgment of the Division Bench of this Court, I deem it appropriate to dispose of the writ petition by and in terms of the above referred Judgment.

The respondents shall reckon the seniority of the petitioner for the purpose of promotion from the date of his initial appoint and not from the date he joined duty at the transferred place, and consider his case for promotion, if he is otherwise eligible therefor. No costs.

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**N.V. RAMANA, J.**

Date: 06.06.2006

Nsr/Ksr